

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,)	
Plaintiff,)	
)	
v.)	
)	
SAREPTA THERAPEUTICS, INC.,)	
Defendant.)	
SAREPTA THERAPEUTICS, INC. and THE)	
UNIVERSITY OF WESTERN AUSTRALIA,)	
Defendant/Counter-Plaintiffs)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and NS)	
PHARMA, INC.,)	
Plaintiff/Counter Defendants.)	

C.A. No. 21-1015 (JLH)

VERDICT FORM (PHASE II)

INSTRUCTIONS

When answering the following questions and completing this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions for guidance on the law applicable to each question.

We, the jury, unanimously agree to the answers to the following questions as our verdict in this case:

FINDINGS OF PATENT DAMAGES FOR NIPPON SHINYAKU (IF APPLICABLE)

- 1. Has Nippon Shinyaku proven by a preponderance of the evidence that it is entitled to lost profits?**

“YES” is a finding for Nippon Shinyaku

“NO” is a finding for Sarepta

YES _____

NO _____

*If you answered “YES” to Question No. 1, please answer Question No. 2 and Question No. 3.
If you answered “NO” to Question No. 1, please skip to Question No. 4.*

- 2. State the amount of lost profits damages that Nippon Shinyaku has proven by a preponderance of the evidence that it is entitled to.**

\$ _____

- 3. State the number of units for which Nippon Shinyaku has proven by a preponderance of the evidence that it is entitled to lost profits.**

\$ _____

- 4. For any infringing sales for which you did not award lost profits, state the amount of reasonable royalty damages that Nippon Shinyaku has proven by a preponderance of the evidence that it is entitled to.**

\$ _____

FINDINGS OF PATENT DAMAGES FOR SAREPTA (IF APPLICABLE)

- 5. Has Sarepta proven by a preponderance of the evidence that it is entitled to lost profits?**

“YES” is a finding for Sarepta

“NO” is a finding for Nippon Shinyaku and NS Pharma

YES _____

NO _____

If you answered “Yes” to Question No. 5, please answer Question No. 6. If you answered “No” to Question No. 5, please skip to Question No. 7.

- 6. State the amount of lost profits damages that Sarepta has proven by a preponderance of the evidence that it is entitled to.**

\$ _____

- 7. For any infringing sales for which you did not award lost profits, state the amount of reasonable royalty damages that Sarepta has proven by a preponderance of the evidence that it is entitled to.**

\$ _____

You have now reached the end of the verdict form, and you should review it to ensure it accurately reflects your unanimous determinations. You must each sign the verdict form in the spaces below and notify the Jury Officer after you have reached a verdict.

Date: _____
